

On September 10, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16497. Adulteration and misbranding of tomato catsup. U. S. v. 105 Cases of Tomato Catsup. Decree of condemnation entered. Product released under bond. (F. & D. No. 23357. I. S. Nos. 013021, 013022. S. No. 1510.)

On January 31, 1929, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 105 cases of tomato catsup, remaining unsold in the original unbroken packages at Louisville, Ky., consigned by the Naas Corporation, Sunman, Ind., alleging that the article had been shipped from Sunman, Ind., on or about October 18, 1928, and transported from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Monogram Brand Tomato Catsup * * * Made from Fresh Ripe Tomato Slices."

It was alleged in the libel that the article was adulterated in that a substance, artificial color, had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the designation "Tomato Catsup made from Fresh Ripe Tomato Slices" was false and misleading in that artificial coloring matter had been used therein. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of "Tomato Catsup made from Fresh Ripe Tomato Slices," whereas artificial coloring matter had been used.

On July 6, 1929, Knadler & Lucas, Louisville, Ky., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled, under the supervision of this department, to show the presence of artificial coloring.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16498. Misbranding of butter. U. S. v. 100 Cases, et al., of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 23812. I. S. Nos. 010, 07805. S. No. 1891.)

On April 10, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases and 15 boxes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Portland, Oreg., April 4, 1929, by the Armour Creameries, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. A portion of the articles was labeled in part: (Cases) "CB 1/4 Pounds;" (cartons) "One Pound Net Weight Armour's Cloverbloom Pasteurized Creamery Butter." The remainder of the said article was labeled in part: (Boxes) "Plain 1/4 Parch Armour & Co. S. F. Churn F. 3;" (wrappers) "Net Wt. Four Ounces."

It was alleged in the libel that the article was misbranded in that the statements "One Pound Net Weight" and "Net Wt. Four Ounces," with respect to a portion of the product, and "Net Wt. Four Ounces," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser, since the packages contained lesser quantities. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 15, 1929, Armour & Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*